

CUSTOMER NUMBER 27792**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Zyskowski **Attorney Docket No:** MICR0261
Serial No: 10/082,692 **Group Art Unit:** 2123
Filed: February 22, 2002 **Examiner:** Sharon, Ayal I.
Title: INTEGRATED AIRCRAFT FLIGHT DYNAMICS PREDICTION AND
SIMULATION

DECLARATION

Bellevue, Washington 98004

June 20, 2006

TO THE DIRECTOR OF THE PATENT AND TRADEMARK OFFICE:

The following declaration of Michael K. Zyskowski, is submitted as part of a response to an Office Action dated February 27, 2006.

1. I, Michael K. Zyskowski, am the inventor of the subject matter described and claimed in the above-identified patent application, U.S. Serial No. 10/082,692, and as such, I am familiar with the subject matter disclosed and claimed therein.

2. Under Item 18 in the Office Action dated February 27, 2006, the Examiner has raised an issue of public use or on sale activity in the above-identified application. The Examiner requires information regarding the features of the different versions of Microsoft Flight Simulator dating back to the versions titled "FS98" and "CFS1.0" and requires information as to how these versions of the Microsoft Flight Simulator starting with "FS98" and "CFS1.0" differ from the claimed subject matter. The different versions of Microsoft Flight Simulator dating back from the above-identified application to "FS98" and "CFS1.0" include (in this order):

- (1) "FS98;"
- (2) "CFS 1.0" or "Microsoft Combat Flight Simulator (MSCFS) 1.0;"
- (3) "FS2000;"
- (4) "CFS 2" or "Microsoft Combat Flight Simulator 2.0;"
- (5) "FS2002."

Attached are Enclosures A, B, C, and D that provide information regarding the features of the different versions of the Microsoft Flight Simulator. Enclosure E is also provided and includes information on Flight Simulator 2002.

3. With respect to version FS98, Enclosure A entitled "SDK Overview" is submitted and includes the following Software Development Kit (SDK) sections of Panels, Aircraft Container, Adventure Programming Language, Scenery and Multiplayer on pages 1 through 7, respectively.

4. With respect to version CFS 1.0 or Microsoft Combat Flight Simulator 1.0, there is no SDK currently available. However, as summarized in the table below, the major difference between FS98 and CFS 1.0 was the addition of guns to focus on air combat aspects.

5. With respect to version FS2000, Enclosure B entitled "Microsoft Flight Simulator 2000 Software Development Kit, Aircraft Container System" is provided on pages 1 through 38.

6. With respect to version CFS 2 or Microsoft Combat Flight Simulator 2.0, Enclosures C and D entitled "Setting and Changing Aircraft Parameters" and "Importing Aircraft, Missions, and Scenery for Combat Flight Simulator 2," respectively, are enclosed.

7. With respect to the current version FS2002, as applicable to the above-identified application, Enclosure E entitled "FLIGHT SIMULATOR 2002 SOFTWARE DEVELOPER KITS" is also provided.

8. The Table below summarizes the differences between the versions and the subject matter of the above-identified patent application.

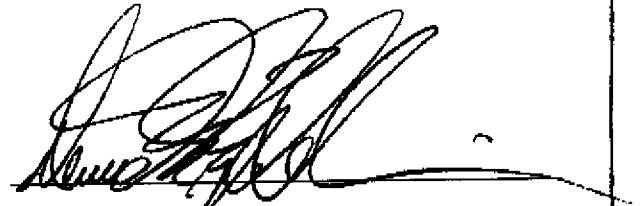
<u>Microsoft Version</u>	<u>Features</u>	<u>Differences Between Version And Subject Matter of Above-Identified Patent Application.</u>
Microsoft Flight Simulator 98 (FS98)	See Enclosure A entitled "SDK Overview"	Notice that Enclosure A <i>lacks</i> an SDK section entitled "FSEdit" when compared to Enclosure E. As apparent from FIGURE 4 of applicant's specification, it is an editing program 22 (identified as FSEdit.EXE 22 in this Figure) that enables flight dynamics editor 24 and aerodynamic coefficients generator 26 to produce flight model data files, aircraft.air 28 and aircraft.cfg 30 that are compatible with the flight simulator 32. There is no equivalent editing program in FS98, and FS98 does not provide any way to create any corresponding files, since there was no provision in FS98 to enable a user to design an aircraft and then test fly the user's design with FS98.
Microsoft Combat Flight	There is no SDK currently available.	Notice that on page 2 of the Zykowski reference, under the section entitled "Modern History," guns were

1 2 3 4 5 6	Simulator 1.0 (MSCFS) 1.0		missing from the release of FS98 and because of this, Microsoft Combat Flight Simulator was released the following year. Thus, the inclusion of guns on aircraft in MCFS1.0 is the major difference between FS98 and MCFS1.0. MCFS1.0 also did not provide any editing program or any way for a user to design an aircraft and test fly the user's design with MCFS1.0.
7 8 9 10 11 12 13 14 15 16	Microsoft Flight Simulator 2000 (FS2000)	See Enclosure B entitled "Microsoft Flight Simulator 2000 Software Development Kit, Aircraft Container System"	FS 2000 included the FSEEDIT application, although the FDE included only one section that allowed certain scalars to be changed by a user positioning a slider. Although this scalar capability has been greatly enhanced in the above-identified patent application which relates to FS2002, FS2000 lacked the ability to create flight model data files from scratch that are compatible with the flight simulator as shown in FIGURE 4 of the above-identified application, and a user was unable to evaluate this custom design in real-time simulated flight within FS2000, based on a point of view of a pilot flying the aircraft.
17 18 19 20 21 22 23 24 25	Microsoft Combat Flight Simulator 2.0 (CFS 2)	See Enclosure C entitled "Setting and Changing Aircraft Parameters" and Enclosure D entitled "Importing Aircraft, Missions, and Scenery for Combat Flight Simulator 2"	As in FS98 and FS2000, Enclosure C explains how a user can import new aircraft and add or change values in the aircraft.cfg file (first paragraph page 1) and that several aircraft parameters have been added since FS2000 (third paragraph, page 1). Enclosure D explains how this version supports options, details and performance level that were not possible in the first version (second paragraph, page 1).

9. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any

1 patent issued thereon.

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3 Date: 6/21/06
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Michael K. Zylowski

5 Enclosures

6 Enclosure A, 7 pages

7 Enclosure B, 38 pages

8 Enclosure C, 5 pages

9 Enclosure D, 2 pages

10 Enclosure E, 10 pages

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